

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 22, 2016

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by Lt. Gov. Matt Michels, followed by the Pledge of Allegiance led by Senate page Ben Williams.

Roll Call: All members present except Sen. Curd who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Retirement Laws respectfully reports that it has had under consideration SB 13, 14, and 15 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Bruce Rampelberg, Chair

Also MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 20 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Bruce Rampelberg, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of Sheldon E. Cotton of Brookings County, Volga, South Dakota, to the South Dakota State Railroad Board and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of Gary Doering of Beadle County, Cavour, South Dakota, to the South Dakota State Railroad Board and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment and be placed on the consent calendar.

Respectfully submitted,
Mike Vehle, Chair

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1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield, Brock;
3 Haggar, Jenna; Haverly; Heineman, Phyllis; Heinert; Hunhoff, Bernie; Jensen, Phil; Monroe;
4 Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim; Rampelberg;
5 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Curd; Holien

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried.

10 SCR 1: A CONCURRENT RESOLUTION, To show support for family caregivers.

11 Sen. Rusch moved that SCR 1 as found on page 100 of the Senate Journal be adopted.

12 The question being on Sen. Rusch's motion that SCR 1 be adopted.

13 And the roll being called:

14 Yeas 33, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
17 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
18 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
19 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
20 White

21 Excused:

22 Curd; Holien

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and SCR 1 was adopted.

25 HCR 1001: A CONCURRENT RESOLUTION, Recognizing the outstanding public
26 service of President Harry Truman.

27 Sen. Parsley moved that the Senate do concur in HCR 1001 as found on page 101 of the
28 House Journal.

29 The question being on Sen. Parsley's motion that HCR 1001 be concurred in.

30 And the roll being called:

31 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Curd

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried and HCR 1001 was concurred in.

11 Sen. Brown moved that SB 2 and SB 50 be deferred to Monday, January 25th,
12 the 9th legislative day.

13 Which motion prevailed.

14 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 SB 66 Introduced by: Senators Olson, Greenfield (Brock), Jensen (Phil), Monroe, Peterson
16 (Jim), Rampelberg, Shorma, and Sutton and Representatives Brunner, Campbell, Craig,
17 DiSanto, Marty, May, Qualm, Russell, Schrempp, Verchio, and Wiik

18 FOR AN ACT ENTITLED, An Act to permit the issuance of special license plates to
19 parents of certain individuals

20 Was read the first time and referred to the Committee on Transportation.

21 SB 67 Introduced by: The Committee on Committee on Appropriations at the request of
22 the Office of the Governor

23 FOR AN ACT ENTITLED, An Act to make an appropriation and transfer certain money
24 to support the South Dakota need-based grant program and to declare an emergency.

25 Was read the first time and referred to the Joint Committee on Appropriations.

SB 68 Introduced by: The Committee on Appropriations at the request of the Office of the Governor

FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes, to revise solid waste management program recycling provisions, to revise water and environment fund loan terms, and to declare an emergency.

Was read the first time and referred to the Joint Committee on Appropriations.

SB 69 Introduced by: Senators Peters, Buhl O'Donnell, Ewing, Fiegen, Haverly, Monroe, Novstrup (David), Shorma, Tieszen, and Vehle and Representatives Deutsch, Bartling, Bolin, Cronin, Dryden, Gibson, Jensen (Alex), Novstrup (Al), Rasmussen, Wiik, and Wollmann

FOR AN ACT ENTITLED, An Act to require accredited schools to accept transfer credits for courses taken by students from other accredited schools during the summer.

Was read the first time and referred to the Committee on Education.

SB 70 Introduced by: Senators Peters, Bradford, Brown, Ewing, Fiegen, Frerichs, Haggar (Jenna), Heineman (Phyllis), Holien, Monroe, Omdahl, Solano, Tieszen, and Van Gerpen and Representatives Novstrup (Al), Deutsch, Heinemann (Leslie), Kirschman, Langer, Qualm, Rasmussen, Steinhauer, and Willadsen

FOR AN ACT ENTITLED, An Act to require certain private cemeteries to file an annual financial report.

Was read the first time and referred to the Committee on Local Government.

SB 71 Introduced by: Senators White, Fiegen, Novstrup (David), Omdahl, Peters, Peterson (Jim), Rampelberg, Shorma, Tidemann, and Tieszen and Representatives Dryden, Anderson, Cronin, Duvall, Haggar (Don), Hawley, Jensen (Alex), Partridge, Romkema, Rozum, and Zikmund

FOR AN ACT ENTITLED, An Act to revise the provisions regarding the issuance of small game licenses and fishing licenses to certain veterans at reduced fees and to authorize certain nonresident veterans to get nonresident small game licenses at a reduced fee.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

1 SB 72 Introduced by: Senators Monroe, Brown, Cammack, Greenfield (Brock), Haggar
2 (Jenna), Heineman (Phyllis), Holien, Jensen (Phil), Novstrup (David), Olson, Omdahl,
3 Rampelberg, Rusch, and Shorma and Representatives Latterell, Anderson, Bolin, Brunner,
4 Campbell, Craig, Deutsch, DiSanto, Greenfield (Lana), Haggar (Don), Harrison, Haugaard,
5 Heinemann (Leslie), Holmes, Klumb, Langer, Marty, May, Mickelson, Novstrup (Al), Partridge,
6 Peterson (Kent), Qualm, Rasmussen, Ring, Rounds, Russell, Schoenbeck, Stalzer, Steinhauer,
7 Tulson, Verchio, Westra, Wiik, Willadsen, Wollmann, and Zikmund

8 FOR AN ACT ENTITLED, An Act to prohibit the abortion of an unborn child who is
9 capable of experiencing pain and to provide a penalty therefor.

10 Was read the first time and referred to the Committee on Health and Human Services.

11 SB 73 Introduced by: Senators Brown, Ewing, Holien, Hunhoff (Bernie), Otten (Ernie),
12 Peterson (Jim), Rusch, and Sutton and Representatives Novstrup (Al), Bartling, Bolin,
13 Campbell, Harrison, Hawley, Kirschman, Marty, Mickelson, Otten (Herman), Russell, Stalzer,
14 Verchio, and Wiik

15 FOR AN ACT ENTITLED, An Act to clarify certain provisions regarding open meetings.

16 Was read the first time and referred to the Committee on State Affairs.

17 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1001: FOR AN ACT ENTITLED, An Act to repeal the Midwestern Regional Higher
19 Education Compact.

20 Was read the first time and referred to the Committee on Education.

21 HB 1003: FOR AN ACT ENTITLED, An Act to revise certain administrative functions
22 regarding county government.

23 Was read the first time and referred to the Committee on Local Government.

24 HB 1025: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled
25 substances schedule and to declare an emergency.

26 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1030: FOR AN ACT ENTITLED, An Act to revise certain codes and standards
2 regarding fire prevention.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
5 guaranteed energy savings contracts.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 HB 1038: FOR AN ACT ENTITLED, An Act to update certain citations to federal
8 regulations regarding pipeline safety inspections.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
11 recovery of certain insurance company premium and annuity taxes.

12 Was read the first time and referred to the Committee on Commerce and Energy.

13 **SECOND READING OF CONSENT CALENDAR ITEMS**

14 SB 30: FOR AN ACT ENTITLED, An Act to provide that Department of Corrections
15 employees are excluded from concealed weapons permit requirements when on duty and acting
16 under the color of authority.

17 Was read the second time.

18 The question being "Shall SB 30 pass?"

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
23 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
24 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
25 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
26 White

27 Excused:

28 Curd

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
4 sentencing and supervision of prison inmates and parolees with suspended sentences.

5 Was read the second time.

6 The question being "Shall SB 31 pass?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
11 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
14 White

15 Excused:

16 Curd

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 SB 33: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding chemical
20 testing and revocations of driver licenses for persons under the age of twenty-one.

21 Was read the second time.

22 The question being "Shall SB 33 pass?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
27 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
28 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
29 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
30 White

1 Excused:
2 Curd

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

6 SB 35: FOR AN ACT ENTITLED, An Act to update references to certain federal motor
7 carrier regulations.

8 Was read the second time.

9 The question being "Shall SB 35 pass?"

10 And the roll being called:

11 Yeas 28, Nays 6, Excused 1, Absent 0

12 Yeas:
13 Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Haggar (Jenna); Haverly; Heineman
14 (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Otten (Ernie);
15 Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton;
16 Tidemann; Tieszen; Van Gerpen; Vehle; White

17 Nays:
18 Bradford; Frerichs; Greenfield (Brock); Heinert; Olson; Omdahl

19 Excused:
20 Curd

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 President declared the bill passed and the title was agreed to.

23 SB 53: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
24 bank franchise tax.

25 Was read the second time.

26 The question being "Shall SB 53 pass as amended?"

27 And the roll being called:

28 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Curd

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 **COMMEMORATIONS**

12 SC 3 Introduced by: Senators Otten (Ernie), Brown, and Cammack and Representatives
13 Otten (Herman), Latterell, and Westra

14 A LEGISLATIVE COMMEMORATION, Honoring the actions of those who reacted to control
15 the tragic events in the Lennox area on February 12, 2015.

16 WHEREAS, on February 12, 2015, a Sioux Falls man entered Sioux Steel, in Lennox, and
17 fatally shot Jon Richter, shot and critically wounded Kathy Steever, and physically assaulted
18 Brian Roesler over a workplace altercation; and

19 WHEREAS, Brian Roesler heroically and courageously confronted the assailant, and while
20 trying to disarm the assailant, received several head injuries; and

21 WHEREAS, recognition must be given to local agencies, law enforcement, and healthcare
22 agencies who handled the unfortunate situation with perceptive professionalism and timely
23 intervention; and

24 WHEREAS, the community of Lennox, including the victims, the employees of Sioux Steel,
25 the Lennox School District, teachers, churches, family, and friends have shown such
26 compassion, encouragement, and continuous support for one another; and

27 WHEREAS, condolences are extended to the family and friends of Jon Richter who
28 tragically perished that day, condolences are also extended to the family and friends of the
29 assailant, who also tragically perished that day; and

30 WHEREAS, our prayers and thoughts continue to reflect the ongoing endurance of all those
31 who continue to live affected by the consequences of that day:

32 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
33 State of South Dakota, that the Legislature recognizes all those individuals affected by the tragic

1 events of February 12, 2015, and honors all those who courageously acted in response to the
2 tragic events of that day.

3 Sen. Monroe moved that the Senate do now adjourn, which motion prevailed and at
4 1:48 p.m. the Senate adjourned.

5 Kay Johnson, Secretary

6 Pursuant to the Joint-Select Committee Report found on page 13 of the Senate Journal,
7 the following is the Honorable Harold Frazier's State of the Tribes Address:

8 **STATE OF THE TRIBES 2016**
9 **JANUARY 14, 2016**
10 **PIERRE, SOUTH DAKOTA**
11 **HONORABLE HAROLD FRAZIER**
12 **CHAIRMAN OF CHEYENNE RIVER SIOUX TRIBE**

13 **INTRODUCTION**

14 *Story of Race*

15 We were created as one people to live on these lands and make a life for our families,
16 friends and neighbors. We are born pure of heart. How we treat each other is taught and learned.
17 It is time we relearn to treat each other with the respect that is deserved rather than with hatred
18 and racism. Only then can we become nations working together for the health and welfare of
19 our people.

20 I applaud Governor Dugaard for taking time and coming out to our reservations and
21 visiting with us. And I applaud you, the state legislators, for allowing me the representative of
22 the Lakota people time to address you today. We know who we are, where we come from.

23 Our ancestors came from the Black Hills, out of Wind Cave, our creation stories tells us
24 these things. That's why we hold Paha Sapa (Black Hills) sacred. We are part of the Seven
25 Council Fires, who are the Dakota, Nakota and Lakota people. The only thing different is our
26 language. We speak with different dialects- D, L and N. We all pray to the same Creator. We
27 all belong to the White Buffalo Calf Pipe. In the western part of our state we are the Tetunyan
28 Oyate the "Teton Sioux". There are seven bands of the Teton. Four of them are located within
29 the Cheyenne River Sioux Tribe. The others are located on Rosebud, Pine Ridge, and Standing
30 Rock. I come from the Itazipcho band.

31 South Dakota is our homeland. The whole of western South Dakota and our Sioux
32 reservations east river were reserved as our "permanent home". These lands were set aside for
33 the absolute and undisturbed use of our people by our chiefs and the United States in our
34 treaties. In our treaties, we reserved our original, inherent right to self-government and
35 self-determination for our people in our homeland. We are men and women, and all men and
36 all women are created equal. We have a right to freedom and liberty in our own lands. Our rights
37 to freedom and liberty are natural, inalienable rights-----just as your rights are.

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HEALTH CARE

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3 According to data collected by the University of Wisconsin Population Health Institute,
4 four of the deadliest counties in the US are here in South Dakota; Shannon, Todd, Dewey, and
5 Corson. They are all on reservations. When Pte Sol Wi brought our Chunnumpa, it was brought
6 and given to us for good health, mentality and physically. That's why we in Indian country make
health care a priority and you should too.

7

Health Crisis, Suicide, Prayer at School, Safe Houses

8

9 I have been meeting with our kids and they said that they do drugs out of boredom and to
10 cope with life. We asked them if they talked to their parents when they have problems and they
11 said no. I asked them, "well, who do you talk to if you don't talk to your parents?" They said,
12 friends, grandmas, and aunties. How do we help our children? How do we give them the coping
skills that they need to believe life is worth living?

13

14 Our children want to learn from their own people. They want healing that is more
15 traditional to our culture. We need our elders here to give us guidance and to teach us how to
16 cope in our own ways. We are glad that the state is wanting to expand Medicaid so that our
children and elders can have more access to care.

17

18 We thank Governor Dugaard for reaching out and working with our tribes. We need peer
to peer counseling to include traditional healers, our elders and families

19

METH ON RESERVATIONS

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21 This is a huge problem on our reservations. We are addressing this in three areas: legal,
22 treatment and prevention. We need to strengthen our courts, our police and our laws. We are
23 actively recruiting law-trained prosecutors and court personnel, looking at creative ways to build
24 a strong police force, and working with other agencies to stop the suppliers and drug dealers.
25 Tribal members who are convicted of drug crimes face banishment. We need you, the State, to
expand your police training facilities, recognition of our courts, and investigations.

26

ROADS

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28 We have some of the worst roads in the country and our county roads need more funding
29 from South Dakota. There is a county road that runs through my home town of White Horse in
April we had tribal council there.

30

31 You need to re-examine the state's funding formula and allocate more road funding where
32 it is needed. Make school bus routes in Ziebach County a priority. Put Ziebach County, Route
33 1 on the state's Statewide Transportation Improvement Plan. Ziebach County is the poorest
34 county in the United States which encompasses half of our reservation. In order to achieve
35 economic development, we must have good infrastructure, and we want economic development
and jobs on our reservations.

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ECONOMIC DEVELOPMENT

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3 We need to develop our resources to create jobs for our people through agriculture,
4 tourism, manufacturing, and services. In general, the statewide unemployment rate is less than
5 four percent. On our reservations, unemployment goes up to 80% and higher. We ask the state
6 to be our partner in economic development because we all live together in South Dakota. When
7 we create new jobs, everyone benefits. Together we can do more. Support our appropriation
8 requests when we go to Washington. For every dollar that comes to our reservation from the
Federal Government it benefits all of us in South Dakota

9

10 We are taxpayers too. We pay every tax that mainstream America pays except property tax,
11 but we cannot use our lands or homes as collateral to seek mortgages to start a business or to
simply to try improve our lives.

12

13 Ask yourselves how your proposed laws, your decisions, will impact the Indian people in
14 South Dakota before you cast your vote. Pass laws that will not only benefit a group of people,
but that will benefit all of us who live in South Dakota.

15

16 In our way we start with a prayer and end in a prayer. At this time I am going to sing a
prayer song for all of us.